

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

John J. Otrompke, JD,)	
Plaintiff)	22 CV 4676
)	
vs.)	Lorna G. Schofield
)	
Acting Presiding Justice Dianne T.)	
Renwick, et al)	

2023 APR 10 AM 11:07
CLERK OF COURT
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PLAINTIFF'S OMNIBUS MOTION

1. Per this court's order dated March 21, "All parties are required to register promptly as filing users on ECF."
2. According to the document, "Electronic Case Filing Rules & Instructions" (November 1, 2022) 2.2(a), "The Court may permit or require a pro se party to a pending civil action to register as a Filing User in the ECF system solely for purposes of that action."
3. I have reviewed the Court's Electronic Case Filing Rules & Instructions, and agree to abide by them.
4. Plaintiff mailed FRCP 4 waiver requests to the 6 defendants on March 8, but as of the date of this filing, only John Joseph McAlary has waived service.
5. Accordingly, Plaintiff requests appointment of the U.S. Marshall for service of process, and plaintiff will begin the process of paying for service.
6. It appears from the First Department's website that defendant Presiding Justice Rolando Acosta has been replaced by Acting Presiding Justice Dianne T. Renwick.
7. FRCP 25(d) provides, "An action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer's successor is automatically substituted as a party. Later proceedings should be in the substituted party's name, but any misnomer not affecting the parties' substantial rights must be

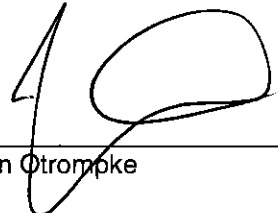
disregarded. The court may order substitution at any time, but the absence of such an order does not affect the substitution."

8. Accordingly Plaintiff requests that the court direct the clerk to issue a new summons in the name of Acting Presiding Justice Renwick.

WHEREFORE, Plaintiff, John J. Otrompke, hereby requests this honorable court grant the three forms of relief requested in this Motion.

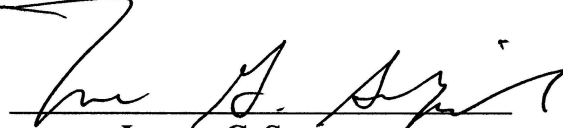
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Respectfully submitted,


S
John Otrompke

Application **GRANTED IN PART**. Plaintiff's motion for permission for electronic case filing is **GRANTED**, subject to Plaintiff's completion of the Court's administrative requirements for such access. Plaintiff's motion for the appointment of the United States Marshals Services to effectuate service is **DENIED**. On June 3, 2022, Plaintiff requested to proceed in forma pauperis. On July 6, 2022, Plaintiff withdrew this request and paid the filing fee to initiate this action. Because Plaintiff has not been approved to proceed in forma pauperis, it is his obligation to timely serve Defendants. Plaintiff's request for the Court to direct the Clerk of Court to issue a new summons is **GRANTED**. An order directing the Clerk to do so issued separately on April 17, 2023. So Ordered.

Dated: April 19, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE